

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PRENTICE RAY THOMAS,

Plaintiff,

v.

B. WEAVER, et al.,

Defendants.

No. 1:22-cv-01492-ADA-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION

(ECF No. 12)

Plaintiff Prentice Ray Thomas (“Plaintiff”), a prisoner (and former county jail inmate) proceeding *pro se* and *in forma pauperis*, initiated this civil rights action pursuant to 42 U.S.C. § 1983 on November 18, 2022. (ECF No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 20, 2022, after screening the initial complaint pursuant to 28 U.S.C. § 1915(e)(2), the assigned Magistrate Judge issued an order finding that Plaintiff’s complaint failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim for relief. (ECF No. 9.) Therein, the Court granted Plaintiff an opportunity to amend his complaint to cure the deficiencies. (*Id.*) On January 5, 2023, the Plaintiff filed the First Amended Complaint (“FAC”). (ECF No. 10.)

On January 9, 2023, after screening the FAC, the assigned Magistrate Judge issued findings and recommendations, recommending that this action be dismissed for failure to state a cognizable

1 claim upon which relief may be granted. (ECF No. 12.) The Magistrate Judge found that despite
2 being provided with the relevant legal standards, Plaintiff was unable to cure the deficiencies in his
3 complaint. (*Id.* at 8.) The findings and recommendations were served on Plaintiff and contained
4 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) The
5 Court granted Plaintiff's requests for extensions of time to file objections to the finding and
6 recommendations on January 25, 2023, and on March 3, 2023. (*See* ECF Nos. 14, 15, 18, 19.) To
7 date, Plaintiff has not file objections, and the time in which to do so has passed.

8 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
10 findings and recommendations are supported by the record and proper analysis.

11 Accordingly,

- 12 1. The findings and recommendations issued on January 9, 2023, (ECF No. 12), are
13 ADOPTED IN FULL;
- 14 2. This action is DISMISSED based on Plaintiff's failure to state a cognizable claim
15 upon which relief may be granted; and
- 16 3. The Clerk of the Court is directed to CLOSE this case.

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20 IT IS SO ORDERED.

21 Dated: June 7, 2023

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UNITED STATES DISTRICT JUDGE